

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6194 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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ALPANA M MITRA

Versus

STATE OF GUJARAT

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Appearance:

MR HJ NANAVATI for Petitioner  
GOVERNMENT PLEADER for Respondent No. 1  
SERVED for Respondent No. 2, 3

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 05/02/96

ORAL JUDGEMENT

The petitioner, who had been appointed as adhoc lecturer in Applied Mechanics, pursuant to the selection made by the Selection Committee in response to the advertisement published for the post and consequent interview, has prayed for his services being not terminated before the candidate regularly selected by G.P.S.C. is available for the petitioner being replaced. Rule has been issued and ad-interim relief has been

granted as per order dated 16.9.1992.

2. I have heard the learned Advocate appearing for the parties and the learned Government Pleader with the learned A.G.P. for the respondents.

3. Two orders passed by this Court have been referred to, one is the order dated 22.2.1994 passed by this Court (Coram : D.G.Karia, J.) in Special Civil Application No.2660 of 1992 and another is the order passed by this Court on 12.1.1996 in Special Civil Application No.12556 of 1994. In my opinion if the appropriate order is passed in terms of the orders referred to hereinabove, it would meet with the ends of justice.

4. It is, therefore, directed that the petitioners shall be continued in service subject to the same terms and conditions on which she was appointed and she shall be so continued in service till the regularly selected candidates from G.P.S.C. are available or as and when the other regularly selected candidate is made available. It will be open to the respondents to terminate the services of the petitioner, in case such candidate is available or in case the petitioner's services are not required for want of post or on account of non-availability of requisite strength of students. As and when termination is to be made the principle of "last come first go" shall be applied.

Rule made absolute in these terms only. No order as to costs.